

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 18, 2004**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL JASON EVANS
No. v.
G032039 ARENA FOOTBALL LEAGUE, INC.

Merits. Cause called. Donald R. Hall argued for appellant. J. Scott Russo argued for respondents. Cause submitted.

CIVIL SARAH J. SCHAUER
No. v.
G033254 BLACK STARR & FROST

Merits. Cause called. Mark B. Plummer argued for appellant. Christopher E. Campbell argued for respondent. Cause submitted.

CIVIL H&M PROPERTIES, LLC
No. v.
G032912 TRITON 88, LLC et al.

Merits. Cause called. E. Thomas Moroney argued for appellant. Dennis P. Zentil argued for respondents Triton 88, LLC and Bill J. Bird. Robin C. Campbell argued for respondents Colliers Seeley International and Kathe Morgan. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 18, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Moore, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL ARDELL NELSON et al.
No. v.
G032931 TRITON TECHNOLOGIES et al.

Merits. Cause called. Timothy C. Aires argued for appellants. Scott J. Stockdale argued for respondents. Cause submitted.

CIVIL RAQUEL LOPEZ
No. v.
G032931 CITY OF FULLERTON

Merits. Cause called. Arthur J. Cohen argued for appellant. Harold Potter argued for respondent. Cause submitted.

CIVIL JUDITH B. WELCH
No. v.
G032741 FRANCHISE TAX BOARD

Merits. Cause called. Derek L. Tabone argued for appellant. Brian Wesley, Deputy Attorney General argued for respondent. Cause submitted.

CIVIL ROYAL OAK SALES, INC.
No. v.
G033166 PHILIP S. HOWELL et al.

Merits. Cause called. Warren B. Wimer argued for appellant and cross-respondent. Terry J. Mollica argued for respondent and cross-appellant. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 18, 2004 (Cont'd)**

CIVIL SOKHWAN HAN et al.
No. v.
G031526 DENISE HORNE

Merits. Cause called. Felicia A. Mobley argued for appellant and cross-respondent. Richard H. Coombs, Jr. argued for respondent and cross-appellant. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 18, 2004 (Cont'd)**

CIVIL	JOSHUA L. FREY et al.
No.	v.
G031928	TRANS UNION CORPORATION

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated as of this date. Respondent's request to file a proposed letter brief regarding supplemental authority, dated October 14, 2004, is granted. The clerk is directed to file the letter brief forthwith. Appellants may file a response to respondent's letter brief on or before October 25, 2004. The matter will be resubmitted on October 25, 2004.

Bedsworth, Acting P.J.

We concur: Aronson, J.
 Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 19 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Aronson, J., and Ikola, J. O. Duarte, Deputy Clerk attending.

CIVIL GARDEN ESTATES HOMEOWNERS
No. ASSOCIATION
G032993 v.
 MONIER LIFETILE et al.

Merits. Cause called. Stuart M. Eppsteiner argued for appellant. Scott M. Bonesteel argued for respondents. Cause submitted.

CIVIL GARDEN ESTATES HOMEOWNERS
No. ASSOCIATION
G033225 v.
 MONIER LIFETILE LLC et al.

Merits. Cause called. Stuart M. Eppsteiner argued for appellant. Scott M. Bonesteel argued for respondents. Cause submitted.

CIVIL ELIAS K. ASSAF et al.
No. v.
G032760 ANTOINE BREIDY

Merits. Cause called. Jerome D. Stark argued for appellant. Mark W. Huston argued for respondents. Cause submitted.

CIVIL DUANE CRUZAT
No. v.
G033467 SANTA ANA UNIFIED
 SCHOOL DISTRICT

Merits. Cause called. John Vozenilek argued for appellant. A. J. Pyka argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 19 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are O'Leary, Acting P.J., Moore, J., and Fybel, J. O. Duarte, Deputy Clerk attending.

CIVIL WE DO GRAPHICS INC.
No. v.
G033636 MERCURY CASUALTY CO.

Merits. Cause called. Bertrand E. Cottle argued for appellant. Jeffrey D. Lim argued for respondent. Cause submitted.

CIVIL ELISA M. YAU
No. v.
G033684 PETER S. YAU

Merits. Cause called. Jeffrey W. Doeringer argued for appellant. Merritt L. McKeon argued for respondent. Cause submitted.

CIVIL SUPERBRACE, INC., et al.
No. v.
G033363 KELLY TIDWELL et al.

Merits. Cause called. Robert B. De Spelder argued for appellant. Jeffrey D. Lim argued for respondent. Cause submitted.

CIVIL JESUS PIEDRA et al.
No. v.
G032653 JAMES M. DUGAN

Merits. Cause called. Hoyt E. Hart argued for appellants. H. Thomas Watson argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 19 2004 (Cont'd)**

CIVIL HARTFORD INSURANCE CO. OF
No. ILLINOIS
G033046 v.
 BKM ENTERPRISES, INC., et al.

Merits. Cause called. Richard B. Specter argued for appellants. Terry Anastassiou argued for respondent. Cause submitted.

CIVIL ANAHEIM EMERGENCY SPECIALISTS
No. MEDICAL GROUP
G033527 v.
 ANAHEIM MEMORIAL
 MEDICAL CENTER et al.

Merits. Cause called. Kermit D. Marsh argued for appellants Anaheim Medical Center and Memorial Health Services. Dana C. Reimus argued for appellants Raveen Arora, Rakesh Bhola, Erkan Ereren, and Mahaveer Khemka. Marvin I. Bartel argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 19 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G031390 SUNNY JOSHUA WONG

Order filed. The petition for rehearing is denied.

Rylaarsdam, J.

We concur: Sills, P.J.
 Moore, J.

CRIM THE PEOPLE
No. v.
G032677 MICHAEL EUGENE ODENBREIT

Not for publication

Opinion filed. Judgment affirmed.

Aronson, J.

We concur: Bedsworth, Acting P.J.
 Ikola, J.

CRIM THE PEOPLE
No. v.
G033221 DREW KEVIN RUSSELL

Not for publication

Opinion filed. Judgment affirmed in part, reversed in part and remanded.

Bedsworth, Acting P.J.

We concur: Aronson, J.
 Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 19 2004 (Cont'd)**

CIVIL MARVIN CHAVEZ
No. v.
G033378 THE SUPERIOR COURT OF ORANGE COUNTY;
 THE PEOPLE OF THE STATE OF CALIFORNIA

Order filed. The Orange County District Attorney's Office has requested that our opinion, filed September 30, 2004, be certified for publication. It appears that our opinion meets the standards set forth in California Rules of Court, rule 976(b). The request is granted. The opinion is ordered published in the Official Reports.

O'Leary, Acting P.J.

We concur: Moore, J.
 Fybel, J.

CRIM THE PEOPLE
No. v.
G033702 SOMPHAN DON KAHM

Not for publication

Opinion filed. Judgment affirmed.

Aronson, J.

We concur: Bedsworth, Acting P.J.
 O'Leary, J.

CIVIL ORANGE COUNTY SOCIAL
No. SERVICES AGENCY
G033982 v.
 FREDERICK T.

Not for publication

Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Bedsworth, Acting P.J.
 Aronson, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 20, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., Aronson, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL GIGI GOLDFLAM
No. v.
G032591 ANA ALVAREZ et al.

Merits. Cause called. Appellant Gigi Goldflam argued on her own behalf. Thomas H. Wolfsen argued for respondents. Cause submitted.

CIVIL WILSHIRE INSURANCE COMPANY, INC.
No. v.
G033136 SENTRY SELECT INSURANCE CO. et al.

Merits. Cause called. Garth D. Goldberg argued for appellants. Charles F. Saacke argued for respondent. Cause submitted.

CIVIL DONALD COOK
No. v.
G031326 CITY OF BUENA PARK

Merits. Cause called. Gregory M. Kunert argued for appellant. Russell Shields argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 20, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., Aronson, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL R. CRIAG SCOTT et al.
No. v.
G032800 CALIFORNIA EMPLOYER SERVICES et al.

Merits. Cause called. Michael G. York argued for appellants. Douglas R. MacLeith argued for respondents. Cause submitted.

CIVIL PATRICIA MERRILL
No. v.
G033107 LABORATOIRE SEBBIN

Merits. Cause called. Frederick E. Turner argued for appellant. Robert G. Dyer argued for respondent. Cause submitted.

CIVIL CHRIS DIALYNAS et al.
No. v.
G032122 PELICAN HILL COMMUNITY ASSOCIATION

Merits. Cause called. Daniel J. Gonzalez argued for appellant. Wayne W. Call argued for respondents. Cause submitted.

CIVIL DAVID H. PAYNE
No. v.
G032799 ANAHEIM MEMORIAL MEDICAL
 CENTER, INC.

Merits. Cause called. Robert C. Moest argued for appellant. Richard J. Frey argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 20, 2004 (Cont'd)**

CIVIL SHARON L. BUSH
No. v.
G032710 UNIVERSITY COMMUNITY ASSOCIATION et al.

Merits. Cause called. Appellant Sharon L. Bush argued on her own behalf. Sean D. Cowdrey argued for respondents. Cause submitted.

CIVIL PATRICIA HANSEN
No. v.
G032523 CHRISTINE HANSEN

Merits. Cause called. Barry A. Bisson argued for appellant. Michael V. Wright argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 20, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G032792 SHERRY MICHELLE DESROSIERS

Not for publication

Opinion filed. Judgment reversed.

Aronson, J.

We concur: Sills, P.J.
 Bedsworth, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 21, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Bedsworth, J., and Ikola, J. A. Cajigal, Deputy Clerk attending.

CIVIL HORST SCHRAMM
No. v.
G033337 THE CADLE COMPANY

Merits. Cause called. Templeton Briggs argued for appellant. Thomas A. Pistone argued for respondent. Cause submitted.

CIVIL KEVIN M. ENSLEN
No. v.
G033186 ROBERT KENNEDY et al.

Merits. Cause called. M. Christopher Hall argued for appellant. David P. Pruett argued for respondent Robert Kennedy. Brian M. Meadows argued for respondent Charles Miles. Cause submitted.

CIVIL GENE C. MIX et al.
No. v.
G033875 ORANGE COUNTY SUPERIOR COURT;
 MANDEEP BEHNIWAL

Merits. Cause called. Michael G. York argued for petitioners. Barry A. Ross argued for real party in interest Mandeep Behniwal. Cause submitted.

CIVIL CHAD SALISBURY
No. v.
G032270 COUNTY OF ORANGE

Merits. Cause called. William J. Kopeny argued for appellant. Gary M. Lape argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 21, 2004 (Cont'd)**

CIVIL CALIFORNIA ROOF SAVERS, INC.
No. v.
G032706 EMC INSURANCE COMPANIES

Merits. Cause called. J.T. Orr argued for appellant. Robert V. Closson argued for respondent. Court ordered parties to file supplemental briefs by December 3, 2004, by 4:00 p.m. Cause to be submitted on December 3, 2004.

CIVIL KEVIN ORTON
No. v.
G032862 VIRTUAL FONLINK, INC. et al.

Merits. Cause called. Thomas J. Weiss argued for appellants. John H. Baker argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 21, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Bedsworth, J., and O'Leary, J. A. Cajigal, Deputy Clerk attending.

CIVIL	VIRGINIA CONDE
No.	v.
G032067	HAROLD CONDE et al.

Merits. Cause called. Celinda Tabucchi argued for appellant. Kenneth W. Nickel argued for respondents. Cause submitted.

CIVIL	DBRL SYSTEMS INC.
No.	v.
G033022	WALTER JOHNSON

Merits. Cause called. Christina A.L. Fountain argued for appellant. Gayle J. Mayfield argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 21, 2004 (Cont'd)**

CIVIL QUEST INTERNATIONAL INC.
No. v.
G032276 ICODE CORP.

Order filed. The petition for rehearing is denied.

Sills, P.J.

We concur: Rylaarsdam, J.
 Moore, J.

CIVIL JANE PRICE FOULKES
No. v.
G032395 QUEST SOFTWARE, INC., et al.

Not for publication

Order modifying opinion and denying petition for rehearing; no change in judgment.

Fybel, J.

We concur: Rylaarsdam, Acting P.J.
 Ikola, J.

CIVIL DONALD R. RODEN
No. v.
G034444 AMERISOURCEBERGEN CORPORATION

G034486 AMERISOURCEBERGEN CORPORATION
 v.
 THE SUPERIOR COURT OF ORANGE COUNTY;
 DONALD R. ROSEN

Order filed. On the court's own motion, and for good cause, case numbers G034444 and G034486 are consolidated for all purposes. The parties are ordered to submit to the court a joint proposed briefing schedule that will permit the matter to be resolved in an expeditious fashion. The joint proposed briefing schedule shall be submitted no later than November 8, 2004.

Rylaarsdam, Acting P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 22, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., O'Leary, J., and Moore, J. M. Urena, Deputy Clerk attending.

CIVIL DONALD E. LONG
No. v.
G032976 DISNEYLAND RESORT

Merits. Cause called. R. Michael Hoffman argued for appellant. Daniel F. Fears argued for respondent. Appellant and respondent to file supplemental briefs by 4:00 p.m. on November 12, 2004. Cause to be submitted on November 12, 2004.

CIVIL CONSUMER ADVOCATES
No. v.
G029811 DAIMLERCHRYSLER CORPORATION et al.

Merits. Cause called. John A. Taylor argued for appellants. Martin W. Anderson argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 22, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G032526 SAUNOA UTU PUA

Order filed. Pursuant to rule 23 (e)(1), California Rules of Court, submission of the above matter is hereby vacated and the cause resubmitted as of this date for the time permitted by law. The reason submission is vacated is to allow additional time for the preparation of the court's opinion.

O'Leary, J.

We concur: Aronson, J.
 Fybel, J.

CIVIL ELIAS K. ASSAF et al.
No. v.
G032760 ANTOINE BREIDY

Not for publication

Opinion filed. Judgment affirmed.

Aronson, J.

We concur: Sills, P.J.
 Ikola, J.

CIVIL LEE GALE
No. v.
G033968 THE SUPERIOR COURT OF ORANGE COUNTY;
 LAURA GALE

Certified for publication

Order denying rehearing and modifying opinion; no change in judgment.

Sills, P.J.

We concur: Rylaarsdam, J.
 Ikola, J.